

REMARKS

In the Office Action of July 8, 2003, claims 14-18 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Additionally, claims 10 and 14 were rejected under 35 U.S.C. § 102(b) as being anticipated by Burnside et al. '281. Claims 11, 12, 15, and 16 were also rejected under 35 U.S.C. 103(a) as being unpatentable over Burnside further in view of Imran '860. Finally, the Office Action listed claims 1-9 as rejected without setting forth a reason.

With this Reply, Applicant has amended independent claims 1, 5, 10, and 14 to eliminate unnecessary language and to make clear that the present invention as claimed is not limited to a bipolar power source.

Claim 14 is also amended to overcome the objection of insufficient antecedent basis for the language "the raised, face-to-face electrodes." The Applicant notes that only the "raised" electrode language lacked antecedent basis and has therefore cancelled this language from the claim. The language of the claim now reads "the face-to-face electrodes." This change is made solely in response to lack of antecedent basis

for a "raised" electrode, and is not a narrowing the scope of this claim.

Turning now to the rejection of claims 10 and 14 based on anticipation, it is respectfully submitted that claims 10 and 14 are not anticipated or obvious in view of the cited references. Independent claims 10 and 14 both require the device or apparatus to include "a pair of EKG monitoring sensors on the tip spaced distally from its associated electrode for contacting cardiac tissue and being adapted to be connected to an EKG monitor." The Burnside et al. '281 patent cited in the Office Action does not teach EKG monitors in general or the specific claimed structure. Burnside does not mention or refer to EKG monitors, and the passage (Col. 38 lines 29-31) cited in the Office Action is lacking any description of EKG sensors generally and further is lacking any suggestion of EKG sensors spaced distally from the ablation electrodes. Therefore, it is respectfully submitted that Burnside does not anticipate or render obvious independent claims 10 and 14 and their respective dependent claims, which include this subject matter.

Turning now to claims 1-9 the Office Action contained no reasons for the rejection of those claims. The Applicant has reviewed the prior art cited in the Office Action in light of both a possible anticipation rejection under 35 U.S.C. 102 and a

possible obviousness rejection under 35 U.S.C. 103(a). The Applicant respectfully submits that for the same reasons stated above for claims 10 and 14, for additional reasons as well, Burnside '281, either alone or in conjunction with Imran '860, does not teach or suggest the subject matter of claims 1-9.

For example, independent claims 1 and 5 also call for "a pair of EKG monitoring sensors on the tip spaced distally from its associated electrode for contacting cardiac tissue and being adapted to be connected to an EKG monitor." Burnside and Imran do not teach, suggest, or demonstrate this feature. In addition, claims 1 calls for the electrode to extend along a central peak of each jaw member, and claim 5 requires each jaw to have a raised electrode and receding clamping surface, which are not shown or suggested by the cited patents. Therefore, it is respectfully submitted that the independent claims 1 and 5 and their respective dependent claims, which incorporate the independent claims by reference, are not anticipated or made obvious by the cited Burnside and/or Imran patents.

For the above reasons, entry of this amendment and reexamination and allowance are respectfully requested.

Consideration of the Supplemental IDS(s)

It is respectfully requested that the Examiner consider and make of record the information submitted in the Supplemental Information Disclosure Statements.

It is noted that these Supplemental IDS(s) were mailed after the mailing of this Office Action, but the respective fees were acknowledged and paid by the Applicant. Therefore, the Applicant believes no addition fees are required in association with these Supplemental IDS(s). However, if it is found that additional fees are required, authorization is hereby given to charge those additional fees to Deposit Account 50-1039. (A duplicate of this document is enclosed herewith.)

Respectfully submitted,

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